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EXAMINER
MEISLIN, D

ART UNIT	PAPER NUMBER
3203	4

32M1/1115

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DATE MAILED: 11/15/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 8/31/95 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____.

Part II SUMMARY OF ACTION

1. ☒ Claims 1-21 are pending in the application.
   Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-21 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____. has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☒ The proposed drawing correction, filed 8/31/95, has been ☒ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application apppears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

1. Claims 4-6 and 17 rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 4 and 17, it is not clear as to the meaning of "retaining member...for cooperation with said inner end surface" since the retaining member is mounted in the bore outboard of the magnet.

NOTE THAT APPLICANT HAD NOT FORMALLY REQUESTED THAT CLAIMS 4 AND 17 BE CANCELED.

2. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3. Claims 1, 3-5, 9-15, and 17-21 are rejected under 35 U.S.C. § 103 as being unpatentable over Parsons et al in view of Clark and Miller.

Parsons et al discloses all of the claimed subject matter except for having a "bit-receiving socket", a "permanent" magnet, an "encapsulated" magnet, a "cushion", and a "counterbore". Parsons et al discloses a nut-receiving socket. Clark discloses a "bit-receiving socket". It would have been obvious to one having ordinary skill in the art to use the device of Parsons et al as a "bit-receiving socket" as opposed to a nut-receiving socket to enable the engagement of a screw as taught by Clark.

Miller discloses a "permanent" magnet, an "encapsulated" magnet, a "cushion", a "counterbore", and a bore having the same cross-section along its entire length. It would have been obvious to one having ordinary skill in the art to form the magnet of the device of Parsons et al as encapsulated, with a cushion, in a smaller bore, or in a bore having the same cross-section along its entire length to cushion the magnet and to place the magnet in a separate or continuous bore as taught by Miller.

4. Claims 2 and 16 are rejected under 35 U.S.C. § 103 as being unpatentable over Parsons et al in view of Clark and Miller as applied above, in further view of Dickson et al.

Dickson et al discloses a magnet being formed out of neodymium. It would have been obvious to one having ordinary skill in the art to form the magnet of the device of Parsons et al out of neodymium for its known properties as taught by Dickson et al.

5. Claims 7-8 are rejected under 35 U.S.C. § 103 as being unpatentable over Parsons et al in view of Clark and Miller as applied above, in further view of Gooley et al.

Gooley et al discloses a metal retaining member which also may be formed out of any suitable resilient material. It would have been obvious to one having ordinary skill in the art to form the retaining member out of metal or out of any suitable resilient material to retain the magnet in place as taught by Gooley et al. The Examiner takes Judicial Notice that the use of plastic for a flexible ring is old and well known in the art.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

REMARKS:

7. Applicant's arguments filed August 31, 1995 have been fully considered but they are not deemed to be persuasive.

Parsons does indeed disclose:

> "said retaining member including a discrete retaining member friction fitted...therebetween"

as set forth in applicants claims. Element 36 is a retaining member that is friction fitted within a bore outboard of a magnet. The retaining member 36 and the inner end surface of the bore of Parsons retains the magnet therebetween.

Claims 4 and 17 have not been canceled since a formal request has not been made.

Miller clearly discloses a discrete cushioning member as claimed by applicant. Miller also discloses a partially encapsulated magnet. The outer surface of the magnet of Miller is partially covered by the encapsulation material. Note the angled outer surface of figure 5 is encapsulated. The claims do not preclude partial encapsulation.

8. Any inquiry concerning this communication should be directed to Examiner Meislin at telephone number (703) 308-3671.

D. S. Meislin
Primary Examiner
Group 3200-Art Unit 3203

November 13, 1995